Deborah Stewart - 10/27/04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al.

VS.

CIVIL ACTION NO. 3:04CV25LN
HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services

DEFENDANTS

DEPOSITION OF DEBORAH STEWART

Taken at the instance of the Defendant at the offices of Bradley Arant, LLP, One Jackson Place, 188 E. Capitol Street, Suite 450, Jackson, Mississippi, on Thursday, October 27, 2004, beginning at approximately 7:58 a.m.

APPEARANCES:

ERIC E. THOMPSON, ESQ.
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Children's Rights, Inc.
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Jackson, Mississippi 39201

COUNSEL FOR DEFENDANTS



Deborah Stewart - 10/27/04

1 are placed in the home, she knows. And so we know 2 when the beds are available and when they're not. 3 She does. 4 Q. How would she know, let's say in Perry 5 County, that a child has just been reunified and 6 that bed has opened up? 7 A. I guess the ASWS would contact her and 8 let her know. I'm just really not sure. 9 Q. In ASWS, do you contact other counties and let them know when a foster bed has opened up in 11 Forrest County? 12 A. No, I don't. 13 Q. Okay. If there's no placement available in Forrest County, let's say a child needs regular 15 foster home, what does the licensure person do? 16 A. If it's not an available person, foster home in Forrest County, what does she do? 17 how many they are licensed so see if they are — 18 wmany they are licensed for and she may call—12 let me know this foster home has — she just licensed this foster home and they got two, three, 24 four beds available. 25 Q. My question to you was if there was no 10 A. In Perry County that she licensed, she may look and say I just licensed this home and she will let me know or let the worker know or someone else in the office know. 7 Q. And if no placement is available is there 2 R. No, I don't. 2 Q. Okay. (Exhibit 30 - Letter re: Youth Villages marked for identification.) 2 Q. Okay. (Exhibit 30 - Letter re: Youth Villages marked for identification.) 3 placement you call around to a variety of counties to see? A. For foster homes. Uh-huh (affirmatively). 7 Q. Okay. (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 - Letter re: Youth Villages marked for identification.) 4 (Exhibit 30 -					
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9 Q. In ASWS, do you contact other counties 10 and let them know when a foster bed has opened up in 11 Forrest County? 12 A. No, I don't. 13 Q. Okay. If there's no placement available 14 in Forrest County, let's say a child needs regular 15 foster home, what does the licensure person do? 16 A. If it's not an available person, foster 17 home in Forrest County, what does she do? 18 Q. Uh-huh (affirmatively). 19 A. She may look at the different foster 20 homes that she has licensed so see if they are— 21 how many they are licensed for and she may call— 22 let me know this foster home has — she just 23 licensed this foster home and they got two, three, 24 four beds available. 25 Q. My question to you was if there was no Page 83 1 home available in Forrest County what would the 2 licensure person do? 3 A. In Perry County that she licensed, she 4 may look and say I just licensed this home and she 5 will let me know or let the worker know or someone 6 else in the office know. 7 Q. And if no placement is available is there 8 ever an instance — strike that. 9 Just so I understand the placement process, 16 if a caseworker has a child in needs regular 17 home available in Forrest County what would the 18 licensure person do? 3 A. In Perry County that she licensed, she 4 may look and say I just licensed this home and she 5 will let me know or let the worker know or someone 16 else in the office know. 17 Q. And if no placement is available is there 18 ever an instance — strike that. 9 Just so I understand the placement process, 19 licensure person do? 20 (Nay. Do you see how the first paragraph 21 A. Yes. 22 Q. Is he under your supervision? 23 A. Yes. 24 Q. Okay. Do you see how the first paragraph 25 will let me know or let the worker know or someone 26 else in the office know. 27 Q. And if no placement is available is there 28 ever an instance — strike that. 9 Just so I understand the placement process, 16 acaseworker pas a child in needs of a foster home 17 placement and there are no foster home for that 18 caseworker yo	7		7		
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Forrest County? A. No, I don't. Q. Okay. If there's no placement available in Forrest County, let's say a child needs regular foster home, what does the licensure person do? A. If it's not an available person, foster home in Forrest County, what does she do? Q. Uh-huh (affirmatively). A. She may look at the different foster home sthat she has licensed so see if they are—low many they are licensed for and she may call—low many they are licensed for and she may call—low many they are licensed for and she may call—low many they are licensed for and she may call—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed for and she may call—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed so see if they are—low many they are licensed this foster home and they got two, three, licensed this foster home and she may call—low many they are licensed this foster home and she may call—low many they are licensed this form and she may call—low many they are licensed the foster home and she may call—low many they are licensed the first paragraphs which are quite brief.	9		i .		
12 A. No, I don't. 13 Q. Okay. If there's no placement available 14 in Forrest County, let's say a child needs regular 15 foster home, what does the licensure person do? 16 A. If it's not an available person, foster 17 home in Forrest County, what does she do? 18 Q. Uh-huh (affirmatively). 19 A. She may look at the different foster 19 home shat she has licensed so see if they are — 10 home many they are licensed for and she may call— 11 let me know this foster home and they got two, three, 12 licensed this foster home and they got two, three, 13 g. With the heading "Youth Villagers" and with Bates 14 number 06623-06624. 15 review briefly just the first three paragraphs of this letter. Just the first three paragraphs which are quite brief. Do you recognize this letter? 18 A. No, I don't. 19 Q. Okay. Is been a minute to review briefly just the first three paragraphs which are quite brief. Do you recognize this letter? 18 A. No, I don't. 19 Q. Okay. Is been first three paragraphs which are quite brief. Do you recognize this letter? 18 A. No, I don't. 19 Q. Okay. Is Josie Brown a caseworker in Porrest County? 19 A. Yes. 20 Is she under your supervision? 21 A. Yes. 22 Q. Is he under your supervision? 23 A. Yes. 24 Q. Okay. Do you see how the first paragraph are quite brief. Do you recognize this letter? 26 V. Okay. Is Josie Brown a caseworker in Porrest County? 27 A. Yes. 28 Q. Are you familiar with the name James Austin, foster child James Austin, foster chil	i	, , ,	l .		
13 Q. Okay. If there's no placement available in Forrest County, let's say a child needs regular forms, what does the licensure person do? 16 A. If it's not an available person, foster home in Forrest County, what does she do? 18 Q. Uh-huh (affirmatively). 19 A. She may look at the different foster homes that she has licensed so see if they are—homes that she has licensed so see if they are—homes that she has licensed so see if they are—look available. 21 let me know this foster home and they got two, three, gor beds available. 22 four beds available. 23 licensed this foster home and they got two, three, gor beds available. 24 four beds available. 25 Q. My question to you was if there was no Page 83 1 home available in Forrest County what would the licensure person do? 3 A. In Perry County that she licensed, she may look and say I just licensed this home and she will let me know or let the worker know or someone else in the office know. 7 Q. And if no placement is available is there ever an instance—strike that. 9 Just so I understand the placement process, if a caseworker has a child in need of a foster home placement and there are no foster home in placement and there are no foster home for that caseworker go about finding a foster home for that child? A. We could call another ASWS in another county and ask if they have any available openings. Q. Is the we the caseworker who's making that phone call? A. The caseworker, me, the foster care 10 A. Trick a minute to review briefly just the first three paragraphs of this letter. Just the first three paragraphs which are quite brief. Do you recognize this letter? A. No, I don't. Q. Okay. Is Josie Brown a caseworker in Forrest County? A. Yes. Q. Is she under your supervision? A. Yes. Q. Okay. Do you see how the first paragraph reads that, "James Austin was admitted to Memphis Boys Town on May 16, 2001 with a discharge date in the first three paragraphs which are quite brief. Do you recomize this letter. 11/16/2001"? 8 A. Yes. Q. Okay. D		·			
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16 A. If it's not an available person, foster 17 home in Forrest County, what does she do? 18 Q. Uh-huh (affirmatively). 19 A. She may look at the different foster 20 homes that she has licensed so see if they are — 21 how many they are licensed for and she may call— 22 let me know this foster home has — she just 23 licensed this foster home and they got two, three, 24 four beds available. 25 Q. My question to you was if there was no Page 83 1 home available in Forrest County what would the 2 licensure person do? 3 A. In Perry County that she licensed, she 4 may look and say 1 just licensed this home and she will let me know or let the worker know or someone 6 else in the office know. 7 Q. And if no placement is available is there ever an instance — strike that. 9 Just so I understand the placement process, 10 if a caseworker has a child in need of a foster home 11 placement and there are no foster homes in Forrest 12 County that have an available bed, how does that 13 caseworker go about finding a foster home for that 14 child? 15 A. We could call another ASWS in another 16 county and ask if they have any available openings. 17 Q. Is the we the caseworker who's making 18 A. No, I don't. Q. Okay. Is Josie Brown a caseworker in 19 C. Okay. Is Josie Brown a caseworker in 10 A. Yes. Q. Are you familiar with the name James A. Yes. Q. Is he under your supervision? A. Yes. Q. Okay. Do you see how the first paragraph 18 A. Yes. Q. Okay. Do you see how the first paragraph 18 A. Yes. Q. Okay. Do you see how the first paragraph 19 A. Yes. Q. Okay. Do you see how the first paragraph 19 A. Yes. Q. Okay. Do you see how the first paragraph 19 A. Yes. Q. Okay. Do you see how the first paragraph 19 A. Yes. Q. Okay. Do you see how the first paragraph 19 A. Yes. Q. Okay. Do you see how the first paragraph 10 A. Yes. Q. Okay. Do you see how the first paragraph 11 A. Yes. Q. Okay. Do you see how the first paragraph 12 A. Yes. Q. Okay. Do you see how the first paragraph 13 A. Yes. Q. Okay. Do you see how the first paragraph 14 A.			ł .		
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19 A. The caseworker, me, the foster care 19 foster placements available for that child?					
zu licensure person, the social worker aid, the ZU A. Well, yes.					
131 homomology Was all words together in finding 131 O. Very 2007					
21 homemaker. We all work together in finding 21 Q. You are?				•	
22 placement. 22 A. No placements.		·			
23 Q. But there's nobody whose job 23 Q. How frequently does that occur? 24 responsibility is in fact to make that call 23 A. I don't know how frequently.					
24 responsibility is in fact to make that call 24 A. I don't know how frequently. 25 specifically? 25 Q. But it occurs?					
25 Specifically:		opecinically:	رے	Q. Duch occurs:	

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Deborah Stewart - 10/27/04

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	Page 8
A. Yes. And I can say this that it does	
occur because I wouldn't say that I think as I	
stated earlier that is always because of no	
available placement, but sometimes the criteria	is
not met or either the child has been at that	
placement before and they refused to take him	back.
So it's different criteria why they may still be or	ŀ
a waiting list until we find something else.	
 Q. But there are in fact instances where a 	
child is waiting for a therapeutic placement bec	ause
no foster care placements have been identified,	as
is the case here?	

- A. Like I said, yeah.
- 14 Q. Okay.

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- 15 And the reason why. Α.
- Do you see in the last sentence on the 16 third paragraph, "I am concerned that James has 17 began to digress and disrupt due to his knowledge of 18 there being no placement options for him at this 19 20 time"?
- 21 A. Yes.
- 22 Are you aware of other instances where Q. 23 children have begun to digress because they know that they're waiting in a placement and there are no 24 25 other placements available for them?

1 disruptions because they were in need of a therapeutic placement and were not in such a 2 3 placement?

- No, I wouldn't say that. Α.
- Are you aware of instances in which children in Forrest County have spent the day in the DFCS office while awaiting placement?
- A. Yes. Well, not awaiting placement. I would say we have placement and they are there until a worker can take them for placement.
 - So they're awaiting to be placed? Q.
 - A.
- Okay. Do children waiting placement in DFCS office attend school?
- A. Yeah. Some of them do and some of them don't. It just depends. We may have gotten a child that day, so he's not in school, but they're waiting for the worker to transport them to where they are going.
- Did children -- are you familiar with instances in which children have spent the day, more than one day, have spent consecutive days in DFCS office awaiting placement?
- A. Yes, it has happened.
 - Q. And would that be because there are not

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- I really can't answer that. This is what whoever wrote this is saying, so.
 - Okav. Q.
 - So I can't answer that as to say that that has actually happened because I'm not one to be there to say that it did happen.
- Q. Would you agree that unnecessary institutionalization of children can be harmful?
 - Oh ves.
- Would you agree that children who need 10 therapeutic placements who don't receive those 11 placements often end up moving from placement to 12 placement because of disruptions? 13 14
 - Repeat the question, please. A.
- Would you agree that children who need 15 therapeutic placements who don't receive those 16 17 placements often end up moving frequently because of placement disruptions? 18 19
 - A. I can't agree with that.
- 20 Q. Do you believe children who are in need 21 of therapeutic placements who don't receive those 22 placements are at risk of movement, more movement?
- 23 Yeah, I can agree to that.
- 24 And is it your experience in Forrest
- 25 County that some children experience placement

Page 89 enough placements available for children in Forrest County?

- No. I would say we have foster homes A. there, but it's because of maybe the behavior of the child that we're trying to find an appropriate placement.
- Q. Is it Forrest County practice to place a child in an emergency temporary foster home in consecutive nights when a more permanent placement can't be located?
 - A. Is it our practice to place --
- O. A child in an emergency temporary foster 12 13 placement overnight while --
 - A. Like a shelter that you're speaking of?
 - Q. A shelter or are there such things as emergency temporary foster homes that take children for just one night?
 - We don't have them in Forrest County.
 - So if a child is awaiting placement in the DFCS office and no placement is found that day, where does that child sleep?
- A. We find a placement. And I'm not going 22 to -- you know, I can't say foster home, shelter. 23 24 We find a placement.
 - And then that child is returned to the